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SECRETARIAT
OF
THE ODISHA LEGISLATIVE ASSEMBLY
NOTIFICATION

The 26th March, 2022

No.1797 /L.A.— The following Bill, which has been introduced in the Odisha Legislative Assembly on the 26th March, 2022 is here with published under rule-68 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly for general information.

THE ODISHA PANCHAYAT LAWS (AMENDMENT) Bill, 2022.

A
BILL

FURTHER TO AMEND THE ODISHA GRAMA PANCHAYATS ACT, 1964,
THE ODISHA PANCHAYAT SAMITI ACT, 1959 AND
THE ODISHA ZILLA PARISAD ACT, 1991.

BE it enacted by the Legislature of the State of Odisha in the Seventy third Year of the Republic of the India as follows:-

CHAPTER I
PRELIMINARY

- Short title and Commencement.
1. (1) This Act may be called the Odisha Panchayat Laws (Amendment) Act, 2022.
(2) It shall be deemed to have come into force on 24th December, 2021.

CHAPTER II
AMENDMENT TO THE ODISHA GRAMA PANCHAYATS ACT, 1964.

- Amendment of Section 25.
2. In section 25 of the Odisha Grama Panchayats Act, 1964 (hereinafter referred to as the Grama Panchayats Act),—

Odisha Act 1 of 1965.

(i) in sub-section (1), after clause (v), the following clause shall be inserted, namely:—

“ (w) has not furnished an affidavit containing particulars relating to his criminal antecedents, assets and liabilities and educational qualification at the time of filing of nomination.”; and

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) A candidate who himself or through his proposer, with intent to be elected in an election gives false information which he knows or has reason to believe to be false or conceals any information in his nomination paper or in his affidavit which is required to be delivered under clause (w) of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both. ”.

3. In Section 44 of the Grama Panchayats Act, in sub-section (1), after clause (h), the following clause shall be inserted, namely:—

“ (h-1) subject to the provisions of the Disaster Management Act, 2005, preparation of Disaster Management Plan at village and Grama Panchayat level, integration with development plan, capacity building of stakeholders, carrying out and facilitation of relief, rehabilitation and reconstruction activities in disaster affected areas in accordance with State Plan and District Plan, and to undertake other measures as may be necessary for disaster management;

Explanation.— For the purpose of this clause, the expression ‘disaster management’ shall have the same meaning as assigned to it under clause (e) of Section 2 of the Disaster Management Act 2005;”.

Act 53 of 2005.

Act 53 of 2005.

CHAPTER III

AMENDMENT TO THE ODISHA PANCHAYAT SAMITI ACT, 1959.

4. In section 20 of the Odisha Panchayat Samiti Act, 1959 (hereinafter referred to as the Panchayat Samiti Act), in sub-section (1), after clause (a-ii), the following clause shall be inserted, namely:—

Odisha Act 7 of 1960 .

“ (a-iii) subject to the provisions of the Disaster Management Act, 2005, preparation of Disaster Management Plan at Panchayat Samiti level, integration with development plan, capacity building of stakeholders, carrying out and facilitation of relief, rehabilitation and reconstruction activities in disaster affected areas in accordance with State Plan and District Plan and to undertake other measures as may be necessary for disaster management;

Act 53 of 2005.

Explanation.— For the purpose of this clause, the expression ‘disaster management’ shall have the same meaning as assigned to it under clause (e) of Section 2 of the Disaster Management Act, 2005;”.

Amendment of Section 45.

5. In Section 45 of the Panchayat Samiti Act, —

Act. 53 of 2005.

(i) in sub-section (1), after clause (v), the following clause shall be inserted, namely:—

“ (w) has not furnished an affidavit containing particulars relating to his criminal antecedents, assets and liabilities and educational qualification at the time of filing of nomination.”; and

(ii) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) A candidate who himself or through his proposer, with intent to be elected in an election gives false information which he knows or has reason to believe to be false or conceals any information in his nomination paper or in his affidavit which is required to be delivered under clause (w) of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both. ”.

CHAPTER IV

ENDMENT TO THE ODISHA ZILLA PARISHAD ACT, 1991

Amendment of Section 33.

6. In Section 33 of the Odisha Zilla Parishad Act, 1991,—

Odisha Act 17 of 1991.

(i) in sub-section (1), after clause (w), the following clause shall be inserted, namely:—

“ (x) has not furnished an affidavit containing particulars relating to his criminal antecedents, assets and liabilities and educational qualification at the time of filing of nomination.”; and

(ii) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) A candidate who himself or through his proposer, with intent to be elected in an election gives false information which he knows or has reason to believe to be false or conceals any information in his nomination paper or in his affidavit which is required to be delivered under clause (x) of sub-section (I) shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both. ”.

Repeal and
savings

7. (1) The Odisha Panchayat Laws (Amendmdment) Ordianance, 2021 is hereby repealed.

Odisha
Ordinance 2
of 2021

(2) Notwithstanding the repealed under sub- section (1), anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under this Act.

Statement of Objects & Reasons

All seats of members of the Panchayats at all levels are filled up by persons chosen by direct / indirect election. Candidates who contest in election to three-tier Panchayati Raj institutions are filing affidavits, as per guidelines of State Election Commission. However, the provision of filing affidavit does not find place in the three tier Panchayat Laws in force in the State of Odisha and hence it is not possible to take penal action against those filing false affidavits.

Hence it is felt necessary and considered expedient to amend the Odisha Grama Panchayat Act, 1964, the Odisha Panchayat Samiti Act, 1959 and the Odisha Zilla Parishad Act, 1991 suitably to provide with a provision for filing affidavits containing informations relating to their criminal antecedents, assets and liabilities and educational qualification and to make penal provision for filing false information in the said affidavits.

Panchayati Raj Institutions have been playing an important role on various disaster management activities, even in absence of specific provisions in Panchayati raj Laws.

Disaster risk reduction is invariably related to various development activities. Hence there is need for every Gram Panchayat and Block to prepare a disaster management plan incorporating mitigation and adaptation measures as well as management of disasters. It is pertinent to mentioned here that in exercise of the powers conferred by the Section-22(h) of the Disaster Management Act, 2005, the State Government delegated adequate executive powers to Gram Panchayats to fight and mitigate the impact of covid-19 in the State during this catastrophic period.

In view of the foregoing facts, it is also felt necessary and considered expedient to amend the Odisha Grama Panchayat Act, 1964 and the Odisha Panchayat Samiti Act, 1959 suitably to insert provision relating to preparation of Disaster Management Plans at Gram Panchayat and Panchayat Samiti level.

It is accordingly proposed to amend Section 25 of the OGP Act, Section 45 of the OPS Act and Section 33 of the OZP Act for filing of affidavit and Section 44 of the OGP Act, Section 20 of the OPS Act for disaster management as reflected in the draft Bill prepared in consultation with the Law Department.

The Bill seeks to achieve the above objects.

PRATAP JENA
Member-In-Charge

D. SATAPATHY
OSD-*CUM*-SECRETARY
Odisha Legislative Assembly